



Appeal Decision

Site visit made on 10 January 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/U5930/W/23/3320424

178a High Road, Leytonstone E11 3HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bhupinder Brar of A&R Group of Companies against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221718, dated 24 June 2022, was refused by notice dated 13 December 2022.
 - The development proposed is the construction of mansard roof extension to provide one residential unit (1x3-bed), rearrangement of second floor containing two residential units (2x1-bed) and alterations to fenestration at rear elevation. Associated bicycle parking and refuse/recycling storage facilities at ground floor rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (NPPF) has been updated twice since the Council made its decision. The latest version is dated 19 December 2023. The appellant and the Council have been given the opportunity to comment on this version and I have taken any responses into account.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of the area;
 - (b) parking provision; and
 - (c) the living conditions of future occupants of the development with regards to private external space.

Reasons

Character and appearance

4. High Road in Leytonstone is a long thoroughfare with multiple commercial properties at ground floor and residential flats above. Many of its buildings date from the Victorian or Edwardian periods and form terraces and retail parades. Near the appeal site, building heights are typically two or three storeys, with some properties having accommodation at roof level. This ensures a generally consistent street scene in terms of the scale and appearance of buildings.

5. The building is three storeys with a grand and tall shop front at ground floor. There is red brick detailing above culminating in a Dutch-style gable which altogether makes the front elevation stand out from the less ornate and yellow stock brick façades of other buildings nearby. The rear elevation is less grand and has been subject to additions, but it can be glimpsed from the neighbouring side roads of Eve Road and Cann Hall Road.
6. The building is also taller than its adjoining neighbours with tall brick chimneys and a large modern mansard roof that appears to be clad in plyboard. In comparison, the building at 180 High Road is three storeys with a flat roof and the terrace at 168-176 High Road is two storeys with pitched roofs.
7. While the existing mansard roof is bulky and unsightly due to its size and materials, and the tall chimney on the south side has been removed, this does not detract greatly from the otherwise positive effect that the building has on the character and appearance of the area, especially the street scene along High Road. Although the building is not designated as a heritage asset, any alterations need to be sympathetic and in keeping with the locality.
8. The proposed development would add a third floor of accommodation within a new and significantly enlarged mansard roof. While the third floor would be set back behind a parapet, the additions would result in a building much taller than its neighbours that would be very visible from the front along High Road and the junction with Crownfield Road to the south. The additions would also be noticeable to the rear from the neighbouring side roads. The negative effect of the additional bulk and height would be exacerbated by the loss of the distinctive Dutch-style gable because the red brick façade would be increased upwards to second floor level. Thus, the consistency and positive features of the street scene would be disrupted.
9. The proposal has been reduced in size from the scheme refused permission in June 2021 (ref 210940) but only marginally in terms of height and with the removal of front dormers. The use of matching brick and symmetrical window arrangements is welcomed, along with the removal of the unsightly existing mansard, but this would not alleviate the overall bulk of the additions.
10. NPPF paragraph 124(e) encourages the development of new homes above existing buildings and promotes mansard roof extensions on suitable properties. However, the paragraph clarifies that such development should be consistent with the prevailing height and form of neighbouring properties and the overall street scene and be well-designed, harmonising with the original building. For the above reasons, this would not be achieved by this proposal.
11. Concluding on this main issue, the proposed development would have a negative effect on the character and appearance of the area. Therefore, it would not accord with Policy CS15 of the Waltham Forest Core Strategy 2012 (CS) and Policy DM29 of the Waltham Forest Development Management Policies Plan 2013 (DMP) which, amongst other things, require development to deliver high quality design that responds positively to local context and character in terms of scale, height and massing. It would also not adhere to the Waltham Forest Urban Design Supplementary Planning Document 2010 which reinforces the need to appraise the local context. The reason for refusal cites conflict with CS Policy CS13, but this deals with health and well-being which is not relevant to this main issue.

Parking provision

12. The site is located within a controlled parking zone with permit holder parking only on side roads at certain times and double yellow lines and limited parking spaces on High Road. At the time of my mid-afternoon visit, there were many vehicles parked on the various streets surrounding the site. Whilst this is just a snapshot, in the absence of detailed evidence to the contrary and noting the various parking restrictions, this is an area of high parking stress. DMP Policy DM16 encourages car-free and car-capped development in locations that are highly accessible by public transport, are accessible to services, and/or have high levels of parking stress. These factors all apply to this location.
13. No legal agreement has been provided to prevent future occupants of the development from being able to apply for a parking permit. Although the location in terms of access to public transport and services and the limitations on parking might discourage car ownership, there is nothing to prevent the issuing of permits, bearing in mind that the third floor flat would be large enough for family occupation. The scale of development is modest but DMP Policy DM16 does not set a minimum threshold in terms the number of proposed units. Thus, a legal agreement would be justified and proportionate in this case. Without such an agreement restricting access to parking permits, the proposed development would add to the parking stress locally and could result in an unacceptable effect on highway safety.
14. Concluding on this main issue, the proposed development would have a negative effect on parking provision. Therefore, it would be contrary to CS Policies CS7 and CS15 and DMP Policy DM16 which, amongst other things, aim to manage parking requirements effectively to minimise the negative impact of traffic and promote healthy and sustainable environments. In coming to this conclusion, I have had regard to NPPF paragraph 115 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Living conditions

15. DMP Policy DM7 seeks a minimum of 10 square metres of private external space to be provided per bedroom in any flatted development, with all homes having access to an element of private space. The proposed three bedroom flat on the third floor would have sufficient external space via a balcony at the front of the building but there would be no provision for the two enlarged flats on the second floor. The policy applies to all new residential development, including conversions and changes of use whereas the second floor flats are already in situ. However, the Council refers to at least one of these units being unauthorised. In the absence of clarity on the planning status of the existing second floor flats, I have followed a precautionary approach and assumed that the policy is engaged.
16. The two flats would comfortably exceed the minimum internal space standards set out nationally and via DMP Policy DM7. However, private external space serves a different purpose to internal space in terms of providing access to the open air and leisure opportunities. Therefore, this would not adequately compensate for the absence of private external space.

17. The supporting text to DMP Policy DM7 states that a flexible approach will be taken to applying the external space standards. The site is well-located to shops and facilities along High Road including regular bus services and a public park. The character and context of the terraces and retail parades along High Road means that few opportunities exist for private external space. It would be difficult as part of the proposed development to provide external space for the second floor with the creation of a third floor above. Consequently, while the flats would not comply with the space standards, this would be acceptable based on the site-specific circumstances.
18. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of future occupants. Therefore, it would accord with CS Policies CS13 and CS15 and DMP Policies DM7 and DM32 which, amongst other things, promote health and well-being through high quality development that manages the impact of development on occupiers. The reason for refusal cites conflict with DMP Policy DM5, but this concerns housing mix which is not relevant to this main issue.

Other Matters

19. The proposed development would deliver additional dwellings and make a more efficient use of an urban site as encouraged by Section 11 of the NPPF and the London Plan 2021. However, given the limited number of additional units involved, this would only represent modest benefits in favour of the proposal. Therefore, these benefits would be insufficient to outweigh the negative effects to the character and appearance of the area and parking provision or overcome the conflicts with the development plan.
20. The Council has noted that the site falls within the zone of influence for the Epping Forest Special Area of Conservation (SAC) in terms of recreational pressure. It is considered that all new residential development would have a likely significant effect on the SAC alone or in combination with other proposals. On this basis, it would be necessary to carry out an appropriate assessment (AA) as part of my decision were I minded to allow the appeal. However, given my findings on the main issues and my overall conclusion, there is no need for me to carry out an AA as there is no prospect of planning permission being granted. Therefore, it is not necessary to consider this matter any further.

Conclusion

21. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR